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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/406,531 09/27/99 ODDSEN

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000530
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PM82/1010

EXAMINER

WOOD, K

ART UNIT

PAPER NUMBER

3632

DATE MAILED:

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/406,531

Applicant(s)

Oddsen Jr.

Examiner
Kimberly T. Wood

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3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 11, 2001
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-73 is/are pending in the application.
- 4a) Of the above, claim(s) 36-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Aug 23, 2001 is: a) ☐ approved b) ☒ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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Office Action

This is the third office action for serial number 09/406,531, entitled Configurable Mount, in response to Amendment C filed on July 11, 2001.

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on August 23, 2001 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of elements 434, 414, and 444 found in newly submitted figures 20-23.

Election/Restriction

Claims 37-40, 44-49, 52-and 55-62 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected , there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9 .

Amended claims 36, 50, 63, 67 and newly submitted claims 72-73 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims have been amended to include the limitation "a plurality of attachment components adapted to be assembled into a plurality of attachment means each of a different configuration for attaching said shaft holder to the surface at least one of said attachment means

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comprising the assembly of less than all of said plurality of attachment components.” The applicant has attempted to make claims 36, 50, 63, and 67 generic by adding this limitation to the claimed language but, the examiner believes the applicant has narrowed the claim language to include all of the species except for the species II, which applicant elected in paper no. 9. The applicant has claimed that “the assembly of less than all of said plurality of attachment components.” The examiner has interpreted the added limitation to mean that at least one element (such as a threaded member (58 or 52) or a clamp plate (50)) would not be included in the attachment means or attachment component. Therefore, the applicant has eliminated the species II originally elected since the attachment means/components has to include all of the elements of the species as shown in figures 2, 3, 10A-10B, 11A-11B, 12A-12C or the claims are directed to a new species that has not been elected.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 36, 41-43, 50, 51, 53, 54, 63-73 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant argues that all of the independent claims (36, 50, 63, 67, and 72) are generic. The examiner would like to point out that for the reasons discussed above the claims are directed toward a non-elected species only and therefore can not be generic. In addition, claims 50 and 67


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can not be generic, since Species III (figure 8) does not include a first member having a flange or a second member having a flange.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax numbers for filing formal papers to the Group receptionist are (703) 305-3597.

Kimberly Wood
October 9, 2001


KIMBERLY T. WOOD
PATENT EXAMINER
AU 3632